

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
OCTOBER 22, 2015**

Mayor Sullivan called the Regular meeting of the Township Committee of the Township of Chatham to order at 7:33 PM.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 7, 2015; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 7, 2015; and notice was filed with the Township Clerk on January 7, 2015.

Roll Call

Answering present to the roll call were Committeeman Kelly, Committeewoman Swartz, Committeeman Gallop, Deputy Mayor Ritter and Mayor Sullivan.

Approval of Agenda

The Agenda was approved.

Proclamation – World Pancreatic Cancer Day

Mayor Sullivan read aloud the attached proclamation for World Pancreatic Cancer Day, which will be observed on November 13, 2015.

Dennis Salko of the Pancreatic Cancer Action Network was present to receive the proclamation. He thanked the Township Committee for their help in raising awareness of pancreatic cancer. Mr. Salko said that on November 8, 2015 there will be a 5K and the Mack Cali facility in Parsippany to raise funds for the Pancreatic Cancer Action Network.

Oath of Office

Richard Young was sworn in as Director of the Public Works Department. The Oath of Office was administered by Mayor Sullivan.

Reports

Committeewoman Swartz reported that she attended the Autism Speaks Walk on October 17th at Giralda Farms. She also reported that the Board of Health discussed the MRSA virus, and the coaching staff in the school district are trained in proper disinfection of equipment. Committeewoman Swartz further reported that the Senior Center had a successful document shredding fundraiser. The Senior Center offered their thanks to the Department of Public Works for their assistance.

Committeeman Kelly reported that the Open Space Committee recently met to delineate a proposed walking trail on the Township owned portion of the Averett Property. If the Township Committee approves of the proposed trail, then the Public Works Department will be asked to help prepare the site.

Committeeman Gallop reported that the wrestling program has submitted paperwork to receive club sport status. He also asked about a request for foul ball netting at Shunpike Field. Administrator Ciccarone said that a request has been made for additional protection at one of the fields, as there have been instances of home run balls being hit in the area where there is a monument, benches and a walkway. Committeeman Gallop also said that there is a request that Administrator Ciccarone and Borough Administrator Bob Falzarano meet to discuss having fields be available in the spring. Administrator Ciccarone said that there are already discussions about having field lines for spring sports be put down before the winter, so that fields will be available for use by spring sports as soon as weather conditions permit.

Deputy Mayor Ritter reported that there will be a trunk-or-treat event at Chatham High School on October 24th.

Mayor Sullivan reported that the Chatham Township Historical Society celebrated the 40th Anniversary of their founding.

Engineer Ruschke reported that a construction schedule has been submitted for the Wickham Woods Drainage Project, and the contractor anticipates beginning work on November 2nd. Road repaving will be conducted in the spring.

Administrator Ciccarone reported on the litigation in the case Fechtner v. Township of Chatham. He read aloud a statement prepared by Attorney Carl Woodward, who had been retained as special counsel for that case. Assignment Judge Minkowitz heard argument, and ruled that Ordinance 2014-08 is valid, and Attorney Woodward's statement cited the reasons given by Judge Minkowitz for his ruling.

Hearing of Citizens

Mayor Sullivan opened the Hearing of Citizens.

1. David Workman, 19 Susan Drive, lives next door to 23 Susan Drive. Mr. Workman said that the new house at 23 Susan Drive blocks light and air from his house, and he said that he did not receive notification that the house was going to be built as it was. Mr. Workman also said that he spoke with several Township officials who have said that the house would not have been approved had they know it would be built. He also said that his property should have been better protected against the development on the adjacent lot. Administrator Ciccarone said that the Board of Adjustment was constrained by some prior approvals, and the house was built in accordance with approvals that were granted. Attorney Cruz commented on the Board of Adjustment process. Mr. Workman also said that he did not receive notice that the applicant was appearing before the Board of Adjustment. Administrator Ciccarone said that the applicant provided evidence that they sent the appropriate certified mailings, and there is not a requirement for proof of delivery. Mr. Workman addressed water runoff from the adjacent property. Engineer Ruschke indicated that the adjacent property has a temporary certificate of occupancy, and there are some punch-list items to be finalized, including some lot grading. Administrator Ciccarone suggested that if Mr. Workman feels he has a civil case against his neighbor, then he should contact an attorney. Attorney Cruz noted that the Township Committee is unable to do anything about the approvals for the property in question.
2. John Nelson, 15 Susan Drive, said that the approved plans for 23 Susan Drive show that the front of the garage should be set ten feet below the street grade, and right now it is even with street grade. He also said that he did not receive notice about the application.

Deputy Mayor Ritter asked if the Township could impose additional requirements for notification of land use applications. Attorney Cruz said that the notification requirements are set by the State, and courts have struck down attempts by municipalities to create additional notification requirements. Deputy Mayor Ritter also asked if there is a sunset clause on a variance. Attorney Cruz said that variances typically remain with the property. Mr. Workman said that if the garage on the new house were on the opposite side, then the retaining wall adjacent to his property would not have been necessary. He also opined that the Township should require additional notification of applications.

Seeing no further comment, Mayor Sullivan closed the Hearing of Citizens.

Consent Agenda

RESOLUTION 2015-185 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

Tax Collector – September
CFO – September
Construction Official – September
State Training Fees – 3rd Quarter
Dog/Cat Licenses - 3rd Quarter
Registrar of Vital Statistics - 3rd Quarter
Raffle Licenses - 3rd Quarter

RESOLUTION 2015-186
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on October 8, 2015.

RESOLUTION 2015-187
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING EXECUTIVE SESSION MINUTES

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on October 8, 2015.

RESOLUTION 2015-188
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2015 BUDGET

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham will receive \$20,073.00 from the County of Morris Municipal Alliance to Prevent Alcoholism and Drug Abuse DEDR and wishes to amend its 2014 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$20,073.00 which will be available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

Municipal Alliance to Prevent Alcoholism and Drug Abuse DEDR, and

BE IT FURTHER RESOLVED, that a like sum of \$20,073.00 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Municipal Alliance to Prevent Alcoholism and Drug Abuse DEDR.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2015-189
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF
TAXES

WHEREAS, an overpayment of property taxes or sewer utility fees has been made for the following properties; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

| <u>BLOCK</u> | <u>LOT</u> | <u>NAME & ADDRESS</u> | <u>AMOUNT</u> |
|--------------|------------|--|---------------|
| 39 | 47 | Dr. Joseph Barresi & Dr. Kathleen Heffernan 68 Johnson Drive Chatham, NJ 07928 | \$3,919.20 |

RESOLUTION 2015-190
RESOLUTION CONFIRMING REAL ESTATE TAX EXEMPTION FOR AND WAIVING 2015
REAL ESTATE TAXES FOR BLOCK 144, LOTS 40 AND 41.01 OWNED BY THE COUNTY OF
MORRIS.

WHEREAS, on December 20, 2014, Helen Hartley duPont and Alexander H. Platt conveyed to the County of Morris (For Park Purposes) Block 144, Lot 40 as shown on the Township of Chatham Tax Map; and

WHEREAS, on December 30, 2014, Helen Mead Platt and Alexander H. Platt conveyed to the County of Morris (For Park Purposes) Block 144, Lot 41.01 as shown on the Township of Chatham Tax Map; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.3, the County of Morris is exempt from real estate taxation by the Township and these properties were exempt from taxation effective January 1, 2015; and

WHEREAS, the County of Morris was incorrectly issued a 2015 Final/2016 Preliminary Tax Bill.

NOW, THEREFORE, BE IT RESOLVED by the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. Block 144, Lot 40 was, effective January 1, 2015, owned by the County of Morris and is exempt from real estate taxation.
2. Block 144, Lot 41.01 was, effective January 1, 2015, owned by the County of Morris and is exempt from real estate taxation.
3. The Township of Chatham Tax Assessor and Tax Collector are hereby authorized to correct the tax records.
4. Any real estate taxes for 2015 for these properties are hereby waived.
5. This Resolution shall take effect immediately.

RESOLUTION 2015-191
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF
MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT
AND/OR PERFORMANCE BOND BALANCES

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

| <u>NAME</u> | <u>Project</u> | <u>A/C NUMBER</u> | <u>AMOUNT</u> |
|---|--|-------------------|---------------|
| East Park Builders 7 Young Court East Hanover, NJ | 31 Mountainview Road ROI 13-54-2.02 | 7761693303 | \$600.00 |
| Scott Tannen 8 Westminster Rd Chatham, NJ 07928 | ROI 12-48.06-9 | 7761692982 | \$2,200.00 |
| Robin Travers 20 Garden Ave Chatham, NJ 07928 | PLANBD 13-128-14 | 7761693304 | \$946.80 |
| David & Christina Hill 44 Edgewood Road Chatham, NJ 07928 | BOA 05-92-20 | 7760011087 | \$62.00 |
| Accurate Sewer And Drain 528 Dower Street Westfield, NJ 07090 | ROI 14-48.07-20 | 7763179304 | \$400.00 |

RESOLUTION 2015-192
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING SUBMITTAL AND
EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE WOODLAND ROAD IMPROVEMENT PROJECT

BE IT RESOLVED that Council of Township of Chatham formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Woodland Road Improvements-00197 to the New Jersey Department of Transportation on behalf of Township of Chatham.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Township of Chatham and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2015-193
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2015 BUDGET

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham will receive \$2,000.00 from the County of Morris Municipal Alliance to Prevent Alcoholism and Drug Abuse Supplemental and wishes to amend its 2014 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$2,000.00 which will be available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

Municipal Alliance to Prevent Alcoholism and Drug Abuse Supplemental, and

BE IT FURTHER RESOLVED, that a like sum of \$2,000.00 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Municipal Alliance to Prevent Alcoholism and Drug Abuse Supplemental.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

Deputy Mayor Ritter asked about the budget amendments for the Municipal Alliance grants, and if it is money received from the County. Administrator Ciccarone said that the money comes from the County to local MACC groups, and the funding is administered by the Township. He also commented on the MACC budgeting process. Committeewoman Swartz asked Engineer Ruschke to comment on the grant application for Woodland Road Improvement Project. Engineer Ruschke said that the proposed grant would be used to extend an existing walkway, fronting St. Hubert's. He also said that he has contacted St. Hubert's, and they have not objected to the proposed project.

Committeewoman Swartz moved to approve the Consent Agenda. Committeeman Kelly seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Discussion

Follow Up on Safe Routes to School Grant

Mayor Sullivan opened the floor for the public to address the topic.

1. Fran Drew, 32 Inwood Road, spoke against installing a sidewalk in the east side of Lafayette Ave. She said that it is a safe road, and that speeding is more of an issue than a

lack of a sidewalk. Mrs. Drew also challenged the classification of Lafayette Ave as a collector road. She also noted that over a ten year period, there were not any injuries to pedestrians on Lafayette Ave. Mrs. Drew further suggested that signs be posted to remind people to slow down. She also thanked the Township for recently installing additional sidewalks on Lafayette Ave.

2. Jack Drew, 32 Inwood Road, said that it would be terrible to remove several mature trees for the installation of a sidewalk. He said that the trees should be considered a valuable resource, and the decision to install the sidewalk should not be taken lightly.
3. Amanda Feeman, 232 Shunpike Road, said that she views Chatham differently now that she lives in a house that does not have a sidewalk. She also said that overall traffic flow on Lafayette Ave should be considered, and the location was selected because it serves access to three schools. Mrs. Feeman also noted that the plans developed by Engineer Ruschke seek to save as many trees as possible, and it is time to make a decision on the matter.

Seeing no further comment, Mayor Sullivan closed the public comment section.

Engineer Ruschke said that major collector roads are defined as having a daily traffic count of 3500 to 7500 cars, and Lafayette Ave does qualify as a major collector. The requirements apply to new construction standards, and there will not be a penalty to the Township for not retrofitting the road. Deputy Mayor Ritter asked how much leeway the Township has with saving and/or replacing trees as part of this project. Engineer Ruschke said that failing to remove a tree can lead to sidewalks heaving due to damage from tree roots. However, attempts are made to save as many trees as possible. Engineer Ruschke also noted that sidewalks need to be constructed in accordance with NJDOT standards, which include ADA standards. Mayor Sullivan said that he received an email from Township resident Anthony Marone regarding the proposed sidewalk on Spring Street. Mayor Sullivan said that Mr. Marone's email indicates that he is generally not in favor of the sidewalk, but he understands that the construction of the sidewalk may be deemed necessary. Mayor Sullivan added that Spring Street is not a heavily trafficked street, nor is it a Safe Routes to School route. Deputy Mayor Ritter asked Engineer Ruschke to comment on possibly narrowing Spring Street with the sidewalk construction on the south side. Engineer Ruschke said that it could be done to save trees, and the reduction in the availability of parking would change the character of the road. Mayor Sullivan said that residents on Spring Street have indicated that they want to preserve the character of the road. Committeeman Gallop commented on the bike path that was built to connect Spring Street with Southern Boulevard, and how it became a route to Southern Boulevard School. He also said that the Spring Street sidewalk would create further access from the Lafayette Ave Corridor to Southern Boulevard School, and having the sidewalk on the north side would make the most sense as it would have the least impact on the Spring Street residents. Deputy Mayor Ritter said that a sidewalk on the south side of Spring Street would more directly feed into the bike path. Mayor Sullivan noted that the children walking to Southern Boulevard School are typically with parents. Committeeman Kelly commented on the social aspects of the pickup and drop off area for Southern Boulevard School, and the sidewalk is just a part of a larger solution for this area. Administrator Ciccarone said that the scope of the grant is only for the sidewalk, and the main question that needs to be answered is on which side of Spring Street the sidewalk should be built. Deputy Mayor Ritter asked about snow removal on the sidewalk. Administrator Ciccarone said that the Township does not have an ordinance to require homeowners to remove snow and ice from sidewalks, and the Township would not be removing snow from the portion on the sidewalk by Colony Pool. Committeeman Kelly opined that the sidewalk should be on the north side of Spring Street, as it would have less of an impact on Spring Street residents. He also said that the presence of the sidewalk may encourage more people to use this route to walk to Southern Boulevard School. Administrator Ciccarone asked what needs to be done to modify the grant to have the sidewalk on the north side. The Township Committee authorized Engineer Ruschke to contact NJDOT to seek permission to do the sidewalk on the north side rather than the south side. Administrator Ciccarone also noted that the projected timeline has sidewalks being constructed in 2017, and he advised that in the meantime the Township should consider the various suggestions presented in the discussions on the sidewalks, such as lowering the speed limit on Lafayette Ave and installing signage to identify crosswalks and advise drivers that they are entering a school zone. Speed enforcement can also be increased. Deputy Mayor Ritter said that there are valuable reasons to install the sidewalks both on Spring Street and Lafayette Ave,

and the Township should do whatever is possible to mitigate concerns over tree removal and aesthetics. Committeeman Gallop spoke in favor of the project, and said that in his years on the Township Committee he has never had a resident complain about a capital project after it has been completed. He also asked Engineer Ruschke if the proposed sidewalk would be good for the community. Engineer Ruschke said that the sidewalk placement would be consistent with planning documents generated by the Planning Board. He also noted that the Safe Routes to School program is very competitive. Administrator Ciccarone noted that a resident could voluntarily install a sidewalk on their property with proper permits. Committeeman Gallop said that the grant allows the Township to take action to promote public safety with a minimal cost to Township taxpayers. Committeeman Kelly said that as the Township moves forward with the sidewalk project, the concerns of the opponents of the project should be addressed as best possible. He also spoke in favor of the project. Committeewoman Swartz said that the Township should give more attention to the application process with future grants, as many residents were taken by surprise about this grant. Mayor Sullivan said that the concerns of those who oppose the sidewalk have been considered. However, the Township Committee is instructing Engineer Ruschke to move forward with the project. Engineer Ruschke said that the next step is to come up with an interview questionnaire for the engineer who will do the design work for the project. He also plans to reach out to the homeowners directly affected by the project so they know the project is underway, and he will solicit their feedback on the specific impacts.

Hearing of Citizens/Petitions

Mayor Sullivan opened the Hearing of Citizens.

Seeing no public comment, Mayor Sullivan closed the Hearing of Citizens.

Executive Session

RESOLUTION 2015-P-13

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Litigation - Rieck v. Township of Chatham
 - b. Litigation - In the Matter of the Application of the Township of Chatham for a Determination of Mount Laurel Compliance
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Committeewoman Swartz moved to pass Resolution 2015-P-13 to enter Executive Session at 9:43 PM. Committeeman Gallop seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Mayor Sullivan announced that the Township Committee would not be taking action following Executive Session.

The Township Committee returned to Public Session and the meeting was adjourned at 11:30 PM.

Gregory J. LaConte
Township Clerk